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W.P.No.30063 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 30063 of 2019

K.Kuppuraj(Deceased)

2.K.Amaravathy

3.Bismel Rubeena

4.Govindaraj

5.Kalaivani

(P2 to P5 substituted as LR's of deceased
sole petitioner vide order dated 10.11.2022

made in WMP.No.27234/2022 in W.P.No.30063/2019) ... Petitioner

Versus

1.The Chairman

Chennai Port Trust.

2.The Traffic Manager,

Chennai Port Trust.

3.The Senior Deputy Traffix Manager,

Porterage/CHD

Chennai Port Trust.

4.Accounts Officer(Pension)

Chennai Port Trust.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order dated 06.10.2018 in A4/0252/2018/T(CHD) issued by the 3rd respondent, quash the same and consequently direct the



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respondents to include the petitioner's wife's name Mrs.K.Amaravathy in the petitioner's Pension Payment Order(PPO)book No.12985 as per regulation No.46(ii)(a) of Chennai Port Trust(Pension) Regulations, 1987.

For Petitioner : Mr.P.Rajkumar Pandian

For Respondents : Mrs.Madhuri Donti Reddy

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus to call for the entire records pertaining to the order dated 06.10.2018 in A4/0252/2018/T(CHD) issued by the 3rd respondent and quash the same and consequently direct the respondents to include the petitioner's wife's name (Mrs.K.Amaravathy) in the petitioner's Pension Payment Order(PPO)book No.12985 as per regulation No.46(ii)(a) of Chennai Port Trust(Pension) Regulations, 1987.

2. The petitioner died pending the above writ petition and petitioners 2 to 5 being his legal representatives were substituted in his place in and by order dated 10.11.2022 in W.M.P.No.27234 of 2022. According to the petitioner, the 2nd petitioner is the legally wedded wife of the petitioner and another lady Amaravathi sought for her name to be included as the wife of



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the petitioner. In fact, the proceedings were also initiated by the said Amaravathi claiming to be wife of the petitioner in M.C.No.1027 of 1979.

The said maintenance case was dismissed by order dated 16.04.1980 holding that the said Amaravathi did not establish that she was the legally wedded wife and consequently, she was not entitled to claim maintenance from the petitioner. Despite referring relevant documents and the order passed by the learned III Metropolitan Magistrate Court, the respondents passed the impugned order directing the petitioner to furnish a competent Court's Order after the year 2006 (i.e., after the date of his retirement) to establish identity of his wife.

3. The 3rd respondent has filed a counter stating that only because there was a rival claim, the impugned order was passed. Moreover, the petitioner himself had submitted a self declaration letter dated 21.06.2006 stating that the terminal benefits would be shared between his two wives. Therefore, since there was sufficient reason for apprehending the genuineness of the claim of the petitioner, the respondent had rightly called upon the petitioner to obtain necessary orders after the year 2006. According to the respondents, the petitioner was not able to produce any Court order excepting the order in the maintenance case dated 16.04.1980.



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4. However, during the course of the arguments, the learned counsel for the petitioner would submit that a suit was filed in O.S.No.30 of 2020 before the learned District Munsif Court, Thiruvottiyur by the petitioner as plaintiff therein. The petitioner herein as plaintiff therein sought for a declaration of relief that the person under the name Amaravathi claiming to be his wife was not legitimate in claiming to be the wife of the petitioner and for consequential permanent injunction. The learned District Munsif Court, Thiruvottiyur, has passed a judgment and decree in O.S.No.30 of 2020 on 30.04.2021. The copy of the judgment and decree are filed by way of an additional typed set.

5. Considering the above submissions and developments, the petitioners shall make a fresh representation enclosing the certified copies of the judgment and decree in O.S.No.30 of 2020 dated 30.04.2021 before the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the 3rd respondent shall pass final orders on merits and in accordance with law, considering the fresh representation and enclosures including the certified copies of the judgment and decree, within six weeks thereafter.



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6. With the above directions, this writ petition is disposed of. No costs.

16.06.2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
nr

To

- 1.The Chairman
Chennai Port Trust.
- 2.The Traffic Manager,
Chennai Port Trust.
- 3.The Senior Deputy Traffix Manager,
Porterage/CHD
Chennai Port Trust.
- 4.Accounts Officer(Pension)
Chennai Port Trust.



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P.B.BALAJI, J.,

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